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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
09/644,389	08/23/00	KACHNIC	E 2000-1220-RA

EXAMINER

TM02/0802

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ART UNIT	PAPER NUMBER
2121	

DATE MAILED:

08/02/01

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

Office Action Summary

Application No.

09/644,389

Applicant(s)

KACHNIC ET AL.

Examiner

Zoila E. Cabrera

Art Unit

2121

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-24 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-24 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claims ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are objected to by the Examiner.
- 11) ☐ The proposed drawing correction filed on ____ is: a) ☐ approved b) ☐ disapproved.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☒ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

Attachment(s)

- 15) ☒ Notice of References Cited (PTO-892)
- 16) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 17) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 2.
- 18) ☐ Interview Summary (PTO-413) Paper No(s). ____.
- 19) ☐ Notice of Informal Patent Application (PTO-152)
- 20) ☐ Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

Claims 1, 2, 7 and 24 are rejected under 35 U.S.C. 102(e) as being anticipated by **Hibi et al. (US 6,258,303)**.

Hibi discloses, with respect to claim 1, an integrated controller (Col. 18, lines 31-36) for use with a part-forming machine and a sensory device, comprising:

- a computer having at least one data interface (Fig. 1, machines control signals and sensor output signals); a program for controlling the part-forming machine (Col. 7, lines 39-41; Col. 10, lines 35-36); and a program for analyzing data from the sensory device and for communicating with said part-forming machine program (Col. 13, lines 45-48; Col. 13, lines 18-26; Col. 5, lines 44-48), wherein the sensory device is functionally communicatable with said at least one data interface of said computer (Fig. 1, sensor output signals), and wherein the part-forming machine is functionally communicatable with said at least one data interface of said computer (Fig. 1, machine control signals);

with respect to claim 2,

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- means for displaying information, said display means being in communication with said computer (Fig. 1, element 10);

regarding claim 24,

- The method of controlling a part-forming machine, comprising the steps of:
 - a. using a sensory device to collect data regarding the condition of the part-forming machine, (Col. 5, lines 44-48; Fig. 1, sensor output signals; Col. 13, lines 17-42);
 - b. communicating said data with a computer having a program to analyze said data and to generate data commands for controlling the part-forming machine (Fig. 1, sensor output signals are communicated to the machine control system 12 which in turn generates commands or machine control signals); and
 - c. communicating said data commands to the part-forming machine (Fig. 1, machine control signals);

as for claims 7,

- said computer has a first data interface and a second data interface, wherein the sensory device is functionally communicatable with said first data interface of said computer, and wherein the part-forming machine is functionally communicatable with said second data interface of said computer, (Fig. 1, sensor output signals corresponds to a first data interface and machine control signals corresponds to a second data interface);

2. Claims 8, 13, 14, 16-20 and 22 are rejected under 35 U.S.C. 102(e) as being anticipated by **Kachnic et al. (US 5,928,578)**.

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Kachnic discloses, with respect to claims 8 and 16, an integrated controller for use with an injection

molding machine and a sensory device, comprising:

- a computer having a data interface (Fig. 5, element 72); a program for analyzing data from the sensory device and controlling the injection-molding machine and the sensory device in response to the sensory device data (Col. 7, lines 30-41); and means for displaying information, said display means being in communication with said computer (Col. 2, lines 62), wherein the sensory device is functionally communicatable with said data interface of said computer, and wherein the injection molding machine is functionally communicatable with said data interface of said computer (Fig. 5, elements 70, 72 and 10);

with respect to claim 13,

- said computer has a first data interface and a second data interface, wherein the sensory device is functionally communicatable with said first data interface of said computer, and wherein the part-forming machine is functionally communicatable with said second data interface of said computer (Fig. 5, elements 70 and 72. The first data interface correspond to the interface between elements 70 and 72 and the second data interface corresponds to the interface between elements 72 and 10);

as for claims 14 and 22,

- said display device is a monitor, (Col. 2, lines 62);

regarding claims 17-20,

- said sensory device is at least one vision sensor (Col. 2, line 51);
- said sensory device is at least one infrared sensor (Col. 2, lines 58-59);
- said sensory device is at least one air pressure sensor (Col. 2, line 49);
- said sensory device is at least one vacuum sensor, (Col. 2, line 49);

Please note that the use of “**an integrated controller**” is so broad as to include the teachings of **Kachnic (US 5,928,578)**. The rejection with respect to claims 8 and 16 would be overcome by reciting that *the integrated controller includes **both** the sensory and the machine controller.*

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 3, 4, 5, and 6 are rejected under 35 U.S.C. 103(a) as being unpatentable over **Hibi et al. (US 6,258,303)** in view of **Azarya et al. (US 5,978,578)**.

Hibi discloses the limitations of claim 1 above but fail to disclose:

- said at least one data interface of said computer is a bus;
- said at least one data interface of said computer is a serial port; and
- said at least one data interface of said computer is a parallel port.

However, **Azarya** discloses such limitations, (Col. 11, lines 54-56). Therefore, it would have been obvious to a person of the ordinary skill in the art at the time the invention was made to have combined the teachings of **Hibi** with the system of **Azarya** because it would provide with an improved system with high speed and high throughput capabilities (**Azarya**, Col. 8, lines 30-31).

With respect to claim 4, **Azarya** does not specifically disclose a USB port. However, it would have been obvious to one of the ordinary skill in the art to have used a USB port because it would provide with fast transmission of data as is well known in the area of communications.

4. Claims 9, 10, 11 and 12 are rejected under 35 U.S.C. 103(a) as being unpatentable over **Kachnic et al. (US 5,928,578)** in view of **Azarya et al. (US 5,978,578)**.

Kachnic discloses the limitations of claims 8 and 16 above but fail to disclose:

- said at least one data interface of said computer is a bus;
- said at least one data interface of said computer is a serial port; and
- said at least one data interface of said computer is a parallel port.

However, **Azarya** discloses such limitations, (Col. 11, lines 54-56). Therefore, it would have been obvious to a person of the ordinary skill in the art at the time the invention was made to have combined the teachings of **Kachnic** with the system of **Azarya** because it would provide with an improved system with high speed and high throughput capabilities (**Azarya**, Col. 8, lines 30-31).

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With respect to claim 10, **Azarya** is does not specifically disclose a USB port. However, it would have been obvious to one of the ordinary skill in the art to use a USB port because it would provide with fast transmission of data as is well known in the area of communications.

5. Claims 15 and 23 are rejected under 35 U.S.C. 103(a) as being unpatentable over **Kachnic et al. (US 5,928,578)** in view of **Hibi et al. (US 6,258,303)**.

Kachnic discloses the limitations of claims 8 and 16 above but fail to disclose said display device is a printer. However, **Hibi** discloses such limitation, (Col. 18, lines 37-39). Therefore, it would have been obvious to a person of the ordinary skill in the art at the time the invention was made to have combined the system of **Kachnic** with the teachings of **Hibi** because it would provide a more efficient system for producing a hard copy or other kinds of record of the display content, (**Hibi**, Col. 18, lines 37-39).

6. Claim 21 is rejected under 35 U.S.C. 103(a) as being unpatentable over **Kachnic et al. (US 5,928,578)** in view of **Joseph (US 5,891,383)**.

Kachnic discloses the limitations of claim 16 above but fail to disclose said sensory device is at least one ultrasonic sensor. However, **Joseph** discloses such limitation (Col. 2, lines 53-56). Therefore, it would have been obvious to a person of the ordinary skill in the art at the time the invention was made to have combined the teachings of **Kachnic** with the system of **Joseph** because it would allow to have a more efficient control system by including an ultrasonic sensor as taught by **Joseph**.

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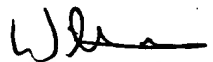
Conclusion

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Any inquiry concerning communication or earlier communication from the examiner should be directed to Zoila Cabrera, whose telephone number is (703) 306-4768. The examiner can normally be reached on M-F from 8:00 a.m. to 5:30 p.m. EST (every other Friday).

If attempts to reach the examiner by phone fail, the examiner's supervisor, William Grant, can be reached on (703) 308-1108. Additionally, the fax phones for Art Unit 2121 are (703) 308-6306 or 308-6296. Any inquiry of a general nature or relating to the status of this application should be directed to the group receptionist at (703) 305-9600.

Zoila Cabrera
Patent Examiner
7/27/01


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7/30/01